





The Town of Fenwick Island

800 Coastal Highway
Fenwick Island DE 19944-4409

WWW.fenwickisland.delaware.gov
PH 302.539.3011 FAX 302.539.1305

Regular Meeting of the Town Council
The Town of Fenwick Island
May 21, 2010 @3:30 PM
AGENDA

1. Flag Salute and Call to Order
2. Topics for Discussion and Possible Action
 - a. AARP Chapter #5226 Request to Hold Used Book Sale (9/25/2010) on Nichols' Lot – P Schuchman
 - b. Resolution #44-2010 Rename W West Virginia Avenue – Town Manager Abbott
3. Approval of Minutes from April 23, 2010 Regular Council Meeting.
4. Treasurer's Report: Council Member Bunting
5. Town Manager's Report – Win Abbott
6. Department Reports: Beach Patrol, Building, Public Works and Police Department
7. Committee Reports: Beach, Environmental
8. Planning Commission: Winnie Lewis
9. Charter and Ordinance: Council Member Weistling
 - a. Proposed First Reading Chapter 127 Sanitation
 - b. Proposed First Reading Chapter 131 Sewers
10. Old Business
11. New Business – No Action to be Taken
12. Public participation
13. President's Report
14. Upcoming Events and Meetings
 - a. May 22 – Beach Clean Up 9:00 AM Dagsboro Street
 - b. May 31 – Town Hall Closed for regular business; open for sale of parking passes only
 - c. June 1 – Charter & Ordinance Committee 9:30 AM
 - d. June 2 and June 3 – Budget Committee 9:00 AM
 - e. June 7, 8, 9 – Bulk Trash Pick up
 - f. June 8 – Environmental Committee 10:30 AM
 - g. June 8 – Cultural & Historic Preservation Sub-committee and Planning Commission 1:30 PM and 2:30 PM respectively
 - h. June 12 Tentative Date – Beach Committee 8:30 AM
 - i. June 14 – Parks and Recreation Advisory Group/Planning Commission 3:00 PM
 - j. June 19 – Reading in the Park 10:00 AM
 - k. June 22 – Nominations for Town Council Close 4:30 PM
 - l. June 23 – Board of Election and Special Council Meeting Time TBD
 - m. June 25 – Regular Council Meeting 3:30 PM
 - n. June 30 – Deadline to register to vote in Town General Election (8/7)
15. Adjournment

This agenda is subject to change to include the deletion of items and the addition of items, including Executive Sessions, which arise at the time of the meeting.

Posted: May 13, 2010

Subject: Used Book Sale

To: pschurchman@fenwickisland.org

Patricia:

AARP Chapter #5226 proposes to hold a sale of Used Books on September 25, 2010 on the lot across from St. Matthew's By The Sea Church on Route 1 from 9 to 3 pm.

AARP has permission from Nichols Management and Johnson Country Markets to use this lot. Proceeds from the sale will be given to Selbyville and Frankford Libraries.

Maureen Eisenhart, AARP's Chairperson of Community Service for this chapter, would like permission from the Town of Fenwick Island to hold this sale on September 25, 2010 from 9 - 3 pm. Please let me know at your earliest convenience when I can present this proposal to the council for a vote. Thank you.

Maureen Eisenhart, Chair

Phone: (302) 988-1196 and email: irishmom08@gmail.com



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NOTICE

On May 21, 2010 The Fenwick Island Town Council
Passed the Following Resolution #44-2010
Renaming of West West Virginia Avenue

Whereas, it has been determined that in order to better serve the health, safety and welfare of the citizens of Sussex County that it be necessary to adopt an ordinance establishing standards for naming roadways, posting street signs and assigning numbers to all dwellings and businesses that will assist emergency services, the United States Postal Service the public in the timely and efficient provision of services to these residents and business; and

Whereas, the Town of Fenwick Island did, on October 24, 2008, resolve to enlist the services of the Sussex County Mapping and Addressing Departments to assist in re-addressing and re-naming streets within the Town limits that have been identified as areas of concern for Public Safety; and

Whereas, the street currently named West West Virginia Avenue, has been found to be an area of concern; and, through outreach to its citizens, have found names that meet County standards and that are acceptable to residents.

Therefore, the Town Council, of the Town of Fenwick Island, on behalf of the citizens and property owners of The Town of Fenwick Island, in order to accomplish this goal, do hereby establish the following name for this street : West West Virginia Avenue to be renamed "Oyster Bay Drive."

Attest: _____
Agnes D. DiPietrantonio, Town Clerk

Audrey Serio, President of Council

Diane B. Tingle, Council Secretary

I, Diane B. Tingle, Secretary of the Town Council, of the Town of Fenwick Island, Delaware, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the President and Council at a meeting on May 21, 2010, at which a quorum was present and voting throughout and the same is still in force and effect.

Date

Diane B. Tingle, Council Secretary

Minutes of the April 23, 2010 Regular Council Meeting

Call to Order and Flag Salute at 3:30 pm by Mayor Serio.

Council in Attendance: Weistling, Serio, Carmean, Bunting, Smallwood, Tingle and Langan

Topics for Discussion and Possible Action

a. Request to Allow Open Ceremony & Live Entertainment May 7, 2010 "Indulgence Unique Gifts" – Council Member Weistling

Council Member Weistling introduced Janilyn Elias, owner of Indulgence Unique Gifts. Ms. Elias asked that Council approve a ribbon cutting and opening ceremony on May 7, 2010 with a DJ from 2:30 – 5:00 PM. Shop is located in Village of Fenwick.

Motion to approve – Council Member Weistling

Second – Council Member Carmean

Discussion: Council Member Tingle did not anticipate traffic issues or other problems due to the time of the year.

Council Member Smallwood thanked Ms. Elias for choosing Fenwick Island.

Vote: All in favor (7-0)

b. Resolution #43-2010 Amend Personnel Policy Manual – Council Members Carmean and Langan

Council Member Carmean advised that the amendment includes a definition of "essential employee" and sequential renumbering due to its addition. It also amends Section 3 Part 3 "Group medical Insurance" terms to be replaced to show that the Town shall contribute toward the payment of premiums and that such contributions shall be determined as a matter of budgetary discretion on an annual basis.

Motion to accept Resolution #43-2010 – Council Member Carmean

Second: Council Member Langan

Discussion – Mayor Serio advised that this amendment includes a new term "liberal leave" and its definition. Council Member Weistling requested that the full text of the resolution be added to these minutes. (Resolution #43-2010 is attached to the end of this document).

Vote: All in favor (7-0)

Resolution #43-210 passed.

c. Authorize Funds to Study Streets Repair Costs utilizing Kercher Engineering with a Maximum Allowance of \$2000 – Council member Weistling

Motion to authorize funds – Council Member Weistling

Second – Council Member Langan

Discussion: Council Member Weistling advised that, for budget purposes, it is beneficial for the Town to have costs estimates of possible street repair projects. Fenwick Island Public Works Department has identified several streets in need of repair. A representative of Kercher Engineering will develop a cost estimate for those repairs as well as other streets that will require attention in the future. A maximum outlay of \$2000 is to be paid to Kercher for this work. Council Member Weistling identified W Georgetown, W So Carolina and Bay Street as those streets most in need of repair as well as on-going flood issues on W West Virginia Ave. It's been two years since the last paving project. He further noted that, in light of the slow economic recovery, contractors seem more willing to participate.

Vote: All in favor (7-0)

Motion to authorize funds passed.

Approval of Minutes:

Motion to Approve the Minutes of February 26, 2010 Meeting - Council Member Carmean

Second: Council Member Bunting

Discussion: None

Vote: (5-0-2); Council Member Tingle and Langan abstained. Both were absent at the February meeting.

Minutes Approved

Minutes of the April 23, 2010 Regular Council Meeting

Treasurer's Report:

Council Member Bunting noted that the financial report is included in the council meeting packet. The Town continues its re-allocation of investments.

Discussion: Council Member Carmean advised that this allows the Town to invest short-term in order to maximize current interest rates and to take advantage of future interest rate increases. Mayor Serio noted that auditor, Tom Sombar, had recommended this activity; Council Member Tingle advised that the Budget Committee all agreed.

Motion to Accept the Treasurer's Report - Council Member Carmean

Second - Council Member Langan

Vote: All in favor (7-0)

Treasurer's Report Approved

Town Manager Report:

- Town Manager Abbott reported that the re-naming of W Essex St EXT (Ebb Tide Cove) is completed and that he currently is soliciting input from residents of W West Virginia Ave for their new name. Further information should be available at the next council meeting.
- The recent request for architectural and engineering bids was for services only and not a construction bid. Bid packages will be reviewed in the next few weeks.
- The Town has contracted with the State of Delaware for lifeguard services for the State beach (\$40,000) and Sussex County Council has awarded a grant of \$10,000 to the Town to assist with those costs.
- In response to a question from Mayor Serio, Mr. Abbott advised that the Town will participate in FEMA funds for snow-removal during the period of February 7-11, 2010. It will cover the cost of expenses and overtime if fully funded.

Department Reports:

- Beach Patrol –No report
- Building Official – Report is included in the council packet.
- Public Works: Report is included in the council packet.
- Fenwick Island Police Department: Report included in the council packet. Chief Boyden also reported that his department has been awarded a Criminal Justice Council (CJC) grant for equipment (\$7500) and that Sussex County Council has reinstated its \$25, 000 grant program for municipal Police departments. Fenwick Island Police Department looks forward to an additional \$10,000 from the County. Council Member Langan noted that the new speed signs appear to be slowing traffic. In response to a question from Council Member Weistling, Chief Boyden added that the sign can function for six days without the sun re-charging it.

Committee Reports:

- Beach Committee –Council Member Smallwood announced the Spring Beach Cleanup will be Saturday, May 22 at 9:00 AM on Dagsboro Street Beach.
- Environmental Committee –Council Member Carmean reported that Buzz Henifin presented a program about testing the bay water. The committee is completing its Tree Triage work. They will plant a tree on Arbor Day (April 30, 2010). Mayor Serio requested that the committee explore and possibly acquire a "Tree City USA" plaque similar to that in Lewes, DE.

Planning Commission: Report included in Council book.

Charter & Ordinance:

- Council Member Weistling introduced a Second Reading of Chapter 112 Parking (included at the end of these minutes).

Motion to accept – Council Member Weistling

Council Member Tingle seconded.

DISCUSSION: Council Member Weistling noted that the majority of the changes pertain to misspellings.

Vote: Smallwood – aye; Carmean – aye; Serio – aye; Bunting – aye; Weistling – aye; Tingle – aye; Langan - aye

Vote to accept the Second Reading of Chapter 112 – Parking: All in Favor.

Minutes of the April 23, 2010 Regular Council Meeting

- Council Member Weistling introduced a Second Reading of Chapter 116 Peace and Good Order (included at the end of these minutes).
Motion to accept – Council Member Weistling
Council Member Bunting seconded.
DISCUSSION: Council Member Weistling that the proposed changes involve minor changes in wording and the inclusion of hours and court costs.
Vote: Smallwood – aye; Carmean – aye; Serio – aye; Bunting – aye; Weistling – aye; Tingle – aye; Langan – aye
Vote to accept the Second Reading of Chapter 116 – Peace and Good Order: All in Favor.
- Council Member Weistling introduced a First Reading of Chapter 120 Property Maintenance (included at the end of these minutes).
Motion to accept – Council Member Weistling
Council Member Tingle seconded.
DISCUSSION: Council Member Weistling noted that the fine is increased to \$500 and section 120-1b(2) is deleted.
Vote: Smallwood – aye; Carmean – aye; Serio – aye; Bunting – aye; Weistling – aye; Tingle – aye; Langan – aye
Vote to accept the Second Reading of Chapter 120 Property Maintenance: All in Favor.
- Council Member Weistling added that Charter & Ordinance continues to review Town Code and will soon take up Chapter 160 – Zoning. The May meeting is on Wednesday May 5, 2010 vs the first Tuesday of the month (May 4, 2010).

Old Business:

- None

New Business – No Action to be Taken:

- None

Public Participation:

- Mary Pat Kyle (1205 Bunting Ave) – Suggested “Nanticoke Trail” as a possible name for W West Virginia Ave; complimented the Barefoot Gardeners for their work planting daffodils in the Town median. Mrs. Kyle presented council with a box of garbage that has been left behind by the Town’s trash collector. She suggested that they are very selective in what they take and what they leave and asked Council’s assistance. Town Manager Abbott advised that he has not had any complaints since October 2009 but will contact Moor Disposal about it.
- Buzz Henifin (48 Windward Way) –advised that he had difficulty changing his street name with Comcast. Comcast would not change the address without an official letter from Sussex County. It is important to save the original letter from the county and to send copies to all agencies concerned. Council Member Bunting noted that the county addressing group does not notify other county departments of the change. Town Manager Abbott advised that he has contacted some of the vendors and will notify Comcast of the change.
- Pete Frederick (1605 Bunting Ave) – expressed concern that the recent Resolution #43-2010 regarding the change in the Town’s contribution to employee health insurance premiums leaves the employees without any idea from year to year what their share of the contribution will be. Mayor Serio advised that is not the intent but this is a means to assist Council with budgetary recommendations. Mr. Frederick believes this is an unfair position for the employees. Mr. Frederick also suggested that the Town contact the owner of the “Joyeusaz property” regarding establishing a trailhead for kayaks. It might be possible that the owner would donate the lot to the town for a tax advantage since DNREC has deemed the lot unbuildable. Council Member Weistling added that he believes DNREC may have worked out a compromise and that the lot may, in fact, be buildable. Mayor Serio advised that the Town will look into it.
- Martha Keller (1312 Bora Bora St) – asked if Council who attended the recent DNREC hearing at Town Hall could address the results. Mayor Serio advised that the Town sent a letter to DNREC re-stating its position. Council Member Smallwood had the impression that the application would be approved. Council Member Tingle noted

Minutes of the April 23, 2010 Regular Council Meeting

that the Condo Association representatives and attorneys used most of the time but that the attorney for the trailer park (Abbott's) did speak. DNREC halted the meeting at 8:35 PM. Mayor Serio advised that, while the meeting was held at Town Hall, the Town was not in any way involved with the meeting. She believes that the application may advance further to a higher authority beyond DNREC.

- Mike Quinn (5 W Houston St) – asked if Fenwick Island will have beach grass planted. Town Manager Abbott advised that DNREC will not plant in Fenwick Island before the summer due to the early onset of warm weather.
- John Belian (1 W Houston St) – noted that the beach grass that has been planted is growing well.
- Council Member Weistling advised that he received a NIXLE notice that Fenwick Island Police Department will begin issuing daily reports. Chief Boyden noted that NIXLE now has the capability to “pin” an event to a map. These services are free and can even link to communities around the country. Council Member Carmean believes that these two capabilities will answer many town concerns.
- Martha Keller (1312 Bora Bora St) – suggested the public read the front page story of the Cape Gazette regarding DNREC testing for arsenic.

President's Report:

- Mayor Serio reported that the Town received nineteen (19) packages for the Public Safety Building Architectural and Engineering Bid. The committee will review the packages in executive session and report its findings to council, again in executive session. This is an allowable use for closed meetings and it concerns negotiations. The final decision will be made in public (open) session.
- Mayor Serio made note of upcoming meetings.

Motion to Adjourn: Council Member Carmean

Second: Council Member Langan

All in favor Motion passed (7-0)

Mayor Serio adjourned the meeting at 4:40 PM.

Respectfully submitted,

Agnes DiPietrantonio, Town Clerk

For Diane Tingle, Secretary

Minutes of the April 23, 2010 Regular Council Meeting

NOTICE (COPY OF RESOLUTION #43-2010)

On April 23, 2010 The Fenwick Island Town Council
Passed the Following Resolution #43-2010

Whereas, the Town of Fenwick Island did, on October 26, 2007 approve a Personnel Policy Manual for The Town of Fenwick Island; and

Whereas, this Personnel Policy Manual is the guiding document for Personnel Matters pertaining to employees of The Town of Fenwick Island; and

Whereas, this Personnel Policy Manual may be amended, supplemented or otherwise revised at a meeting of Town Council during which a quorum is present; and

Whereas, The Fenwick Island Town Council has deemed it necessary and proper to amend the Personnel Policy Manual for the Town of Fenwick Island in the following manner:

- 1) Section 1, Part 1 "General Provisions", within the sub-section "Definitions", a new definition shall be inserted. The definition **Essential Employee** shall be added as means an employee whose service is essential to the function of Town government as determined by Council within the Position Classification System, Job Description or contractual agreement. This description shall be designated "i)".
- 2) Subsequent definitions "i)" through "k)" shall be sequenced j)" through "l)".
- 3) Section 1, another new definition shall be inserted. The definition **Liberal Leave** shall be added as means paid time off, at the discretion of management, which shall be assessed against available vacation or personal leave. This description shall be designated "m)".
- 4) Subsequent definitions "l)" through "n)" shall be designated "m)" through "o)".
- 5) Section 2, Part 4 "Position Classification System", subsection "B" will be added as follows:

Essential Employee

The Town Manager, Chief of Police, Director of Public Works and, unless otherwise specified, all employees of the Police and Public Works Departments are considered essential employees. Essential employees are expected to report to work as scheduled. Absence from work is excused if pre-approved or if documentation of cause is provided to the satisfaction of the Department Supervisor.

- 6) Section 3, Part 3 "Group Medical Insurance", subsection B "Terms" shall be replaced as follows: The Town shall contribute toward the payment of premiums for employees' health and dental insurance. Such contributions shall be determined as a matter of budgetary discretion on an annual basis. Employees are responsible for the balance of premiums on any company-sponsored insurance programs.

Whereas, these proposed changes have been posted in all departments for a period of ten (10) working days and employees have been given the opportunity to provide comment to the Town Manager;

Minutes of the April 23, 2010 Regular Council Meeting

Therefore, the Town Council of The Town of Fenwick Island, after consideration of employee comment, does hereby adopt these changes to The Personnel Policy Manual for The Town of Fenwick Island.

Attest: _____
Agnes D. DiPietrantonio, Town Clerk

Audrey Serio, President of Council

Diane B. Tingle, Council Secretary

I, Diane B. Tingle, Secretary of the Town Council, of the Town of Fenwick Island, Delaware, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the President and Council at a meeting on April 23, 2010, at which a quorum was present and voting throughout and the same is still in force and effect.

Date

Diane B. Tingle, Council Secretary

Minutes of the April 23, 2010 Regular Council Meeting

EXISTING – (CHAPTER 112 – PARKING):

§112-5. Determination of Council; issuance of permits.

G. All parking on Town sheets and beach ends, including handicapped spaces, require permits from May 15 through September 15. Such permit shall be visually displayed hanging from the rearview mirror in the vehicle so that it is able to be readily seen from the street. Duplications or reproductions of such permits are not valid. The fees for such permits shall be as set by resolution of the Town Council from time to time.

§ 112-6. Parking for handicapped persons.

A. No person shall park, stop or stand a vehicle at any time upon any of the streets or parts of streets designated in § 112-7, except a vehicle for which a special plate has been issued pursuant to 21 Del. C. § 2134 or for which an authorized identification card has been issued by the Director of the Division of Motor Vehicles and displayed in the front window of such vehicle. Any vehicle operated by a handicapped person and for which a special plate or authorized identification tag has been issued shall be permitted to park 90 minutes longer than the legal parking period unless such vehicle is clearly a traffic hazard.

B. Handicapped parking and signage for persons with disabilities:...

(4) For purposes of this section, "conspicuously marked" means that a vertical sign has been placed at an approximate height of at least five feet but no more than seven feet when measured from the surface directly below the sign to the top of the sign for each parking space or zone. The sign shall comply with federal specifications for the identification of a parking zone or space of persons with disabilities which limit or impair ability to walk. A sign at least 12 inches wide (horizontal) by 18 inches tall (vertical) that includes the internationally recognized wheelchair symbol of access shall be required for each parking space or zone for persons with disabilities which limit or impair the ability to walk. These requirements may not be constructed to preclude additional markings, such as the international wheelchair symbol or a striped extension area painted on the space or zone, or a tow-away warning sign.

PROPOSED:

§112-5G Correct typographical error from "sheets" to "streets".

§ 112-6. Parking for handicapped persons.

A. No person shall park, stop or stand a vehicle at any time upon any of the streets or parts of streets designated in § 112-7, except a vehicle for which a special plate has been issued pursuant to 21 Del. C. § 2134 or for which an authorized identification card has been issued by the Director of the Division of Motor Vehicles and displayed in the front window of such vehicle.

§112-6B(4) Correct typographical error from "been" to "been".

EXISTING – (CHAPTER 120 – PROPERTY MAINTENANCE):

§ 120-1. Weeds and grass.

B. Each owner shall be required to cut the weeds and grass on his lot(s) and remove rubbish which may accumulate thereon. The predominant height of grass and/or weeds shall not exceed 10 inches. All areas shall be maintained so that no grass and/or weeds are allowed to grow in any area that is not an established lawn. [Amended 4-27-2007]

(1) All lots west of Del. Route 1 shall be required to be maintained. All lots east of Del. Route 1 which have been planted with commercial grass to establish a lawn, shall be required to be cut.

(2) Other lots east of Del. Route 1 shall not be required to be cut because the natural vegetation helps prevent sand erosion, and helps stabilize the soil. The sandy nature of the soil minimizes the mosquito problem.

§ 120-3. Failure to comply with notice.

In the event the owner fails to comply with such notice within the time set forth, he shall be deemed to be guilty of maintaining a nuisance and/or unsanitary condition. Therefore, the Town of Fenwick Island shall have:

B. As to a violation of § 120-1B, the authority (be empowered) to have the Public Works Department clear the property of weeds, high grass and any trash thereon. The fee for the service shall be \$250 for each time it is performed and shall be charged to the owner(s) of the lot(s).

PROPOSED:

Delete: Chapter 120-1B(2)

Amend: § 120-3. Failure to comply with notice.

B. As to a violation of § 120-1B, the authority (be empowered) to have the Public Works Department clear the property of weeds, high grass and any trash thereon. The fee for the service shall be \$500 for each time it is performed and shall be charged to the owner(s) of the lot(s).

Minutes of the April 23, 2010 Regular Council Meeting

EXISTING – (CHAPTER 116 – PEACE AND GOOD ORDER):

§ 116-3. Sleeping on public beaches.

It shall be unlawful for any person to sleep, lie or loiter on, or occupy as a sleeping quarter or under the guise of pretending to sleep, on any part of the public beaches within the corporate limits of the Town of Fenwick Island, Delaware, between 12:00 midnight and 8:00 a.m. local time.

§ 116-5. Tailgating.

It shall be unlawful for any person to tailgate from any vehicle or picnic on any street or highway within the corporate limits of the Town of Fenwick Island, Delaware. For the purposes of this chapter, "tailgating" shall mean standing or sitting and eating or drinking on any street or highway and using the vehicle as a picnic facility.

§ 116-6. Occupancy of vehicles during certain hours.

It shall be unlawful for any person to occupy any vehicle parked on any street or any parking area generally available to the public within the corporate limits of the Town of Fenwick Island, Delaware, between the hours of 2:00 a.m. and 6:00 a.m.

§ 116-7. Violations and penalties.

Any person violating any provision of this chapter, upon conviction thereof before the Alderman of the Town of Fenwick Island, Delaware, shall be fined fifty dollars (\$50.) and costs for each and every offense.

PROPOSED:

§ 116-3. Sleeping on public beaches.

It shall be unlawful for any person to sleep, lie or loiter on any part of the public beaches within the corporate limits of the Town of Fenwick Island, Delaware, between 12:00 midnight and 8:00 a.m. local time.

§ 116-5. Tailgating.

It shall be unlawful for any person to tailgate from any vehicle or picnic on any street or highway within the corporate limits of the Town of Fenwick Island, Delaware between the hours of 12:00 a.m. and 6:00 a.m. For the purposes of this chapter, "tailgating" shall mean standing or sitting and eating or drinking on any street or highway and using the vehicle as a picnic facility.

§ 116-6. Occupancy of vehicles during certain hours.

It shall be unlawful for any person to occupy any vehicle parked on any street or any parking area generally available to the public within the corporate limits of the Town of Fenwick Island, Delaware, between the hours of 12:00 a.m. and 6:00 a.m.

§ 116-7. Violations and penalties.

Any person violating any provision of this chapter shall, upon conviction, be fined fifty dollars (\$50.) plus Court costs for each and every offense.

TOWN OF FENWICK ISLAND Profit & Loss Budget vs. Actual

August 2009 through April 2010

TOTAL

Income

43000 · Taxes

41020 · Property Taxes	0.00	621,231.56	625,000.00	-3,768.44	99.4%
42010 · Rental Receipt Tax	3,066.52	229,509.83	275,000.00	-45,490.17	83.46%
43000 · Taxes - Other	0.00	86.74			
Total 43000 · Taxes	3,066.52	850,828.13	900,000.00	-49,171.87	94.54%

44550 · Charges for Services - Admin

43010 · License Fees - OC	2,359.35	38,810.35	35,000.00	3,810.35	110.89%
43020 · License Fees - RU	300.00	20,664.00	22,500.00	-1,836.00	91.84%
43030 · License Fees - RM	2,058.00	23,768.44	25,000.00	-1,231.56	95.07%
44010 · Garbage Collection Fees	0.00	179,374.84	178,160.00	1,214.84	100.68%
44020 · Comcast Cable Fees	0.00	16,028.38	28,000.00	-11,971.62	57.24%
44030 · Ambulance Service Fee	0.00	26,829.00	27,120.00	-291.00	98.93%
45100 · Building Permit Fees	2,343.00	105,469.84	75,000.00	30,469.84	140.63%
Total 44550 · Charges for Services - Admin	7,060.35	410,944.85	390,780.00	20,164.85	105.16%

44800 · Fines & Forfeitures

46100 · Penalties	0.00	1,428.75	3,000.00	-1,571.25	47.63%
46200 · Traffic Fines	2,328.25	16,479.31	35,000.00	-18,520.69	47.08%
46300 · Parking Violation Fees	150.00	11,527.85	20,000.00	-8,472.15	57.64%
Total 44800 · Fines & Forfeitures	2,478.25	29,435.91	58,000.00	-28,564.09	50.75%

45000 · Investments

45030 · Interest-Investments	0.00	1,305.38			
47100 · Interest Income	836.84	6,334.56	9,000.00	-2,665.44	70.38%
Total 45000 · Investments	836.84	7,639.94	9,000.00	-1,360.06	84.89%

46430 · Miscellaneous Revenue - Admin

45320 · Contractor Decals	0.00	225.00			
45330 · Bonfire Permits	575.00	1,870.00	2,500.00	-630.00	74.8%
47120 · Town Hall Rental Fee	40.00	780.00	2,000.00	-1,220.00	39.0%
47150 · Photo/Audio Copy Fee	0.00	13.50	100.00	-86.50	13.5%
47200 · Parking Permits	0.00	5,945.00	25,000.00	-19,055.00	23.78%
47275 · Public Hearing Fee	0.00	275.00			
47300 · Miscellaneous Income	30.00	6,331.45	5,000.00	1,331.45	126.63%
47800 · Sale of Equipment	35.00	45.00			
48100 · Insurance Reimbursements	0.00	8,299.96	5,000.00	3,299.96	166.0%
48200 · Income for restricted purpose	0.00	673.37			
Total 46430 · Miscellaneous Revenue - Admin	680.00	24,458.28	39,600.00	-15,141.72	61.76%

TOWN OF FENWICK ISLAND Profit & Loss Budget vs. Actual

August 2009 through April 2010

TOTAL

	Apr 10	Aug '09 - Apr 10	Budget	\$ Over Budget	% of Budget
46440 · Miscellaneous Revenue - Police					
47160 · Police Accident Report Fee	0.00	300.00	200.00	100.00	150.0%
47161 · Salary OT Reimbursement	0.00	800.00	7,000.00	-6,200.00	11.43%
Total 46440 · Miscellaneous Revenue - Pol	0.00	1,100.00	7,200.00	-6,100.00	15.28%
47000 · Intergovernmental Rev Lifeguard					
47280 · State Beach Lifeguard Revenue	0.00	11,000.00	47,000.00	-36,000.00	23.4%
47290 · Lifeguard - County Grant	10,000.00	10,000.00			
Total 47000 · Intergovernmental Rev Lifeg	10,000.00	21,000.00	47,000.00	-26,000.00	44.68%
47050 · Intergovernmental Rev Police					
42795 · State Grants for Police	11,405.29	11,405.29			
47285 · County Police Grant	0.00	20,000.00	12,500.00	7,500.00	160.0%
47900 · DEMA Homeland Security Gra	0.00	15,974.24			
Total 47050 · Intergovernmental Rev Polici	11,405.29	47,379.53	12,500.00	34,879.53	379.04%
48050 · Concession franchise	0.00	0.00	20,000.00	-20,000.00	0.0%
48150 · Junior Lifeguard	0.00	0.00	2,500.00	-2,500.00	0.0%
Total Income	35,527.25	1,392,786.64	1,486,580.00	-93,793.36	93.69%

Expense

61100 · POLICE DEPARTMENT

61110 · Police Salaries	18,567.88	188,947.41	275,000.00	-86,052.59	68.71%
61140 · Police Life Insurance	69.75	761.29	1,400.00	-638.71	54.38%
61150 · Police Health Insurance	3,960.43	34,281.07	50,982.00	-16,700.93	67.24%
61160 · Police Payroll Taxes	0.00	10,892.12	24,700.00	-13,807.88	44.1%
61170 · Police Pension Expense					
61171 · Police - State Pension Pa	0.00	-5,528.97	-36,000.00	30,471.03	15.36%
61170 · Police Pension Expense	2,319.38	22,074.91	50,000.00	-27,925.09	44.15%
Total 61170 · Police Pension Expense	2,319.38	16,545.94	14,000.00	2,545.94	118.19%
61180 · Police Workers Compensation	1,399.68	7,337.36	23,600.00	-16,262.64	31.09%
61210 · Police Other Supplies	6.33	2,967.77	3,000.00	-32.23	98.93%
61220 · Police Office Supplies	276.91	2,594.86	5,000.00	-2,405.14	51.9%
61310 · Police Office Equip Maintenan	106.50	628.09	1,000.00	-371.91	62.81%
61320 · Police Printing & Advertising	50.00	271.77	2,000.00	-1,728.23	13.59%
61330 · Police Uniforms	11.00	1,791.03	4,000.00	-2,208.97	44.78%
61335 · Police Computers	320.07	2,293.71	5,000.00	-2,706.29	45.87%
61340 · Police Vehicle Maintenance	1,424.89	3,875.99	4,000.00	-124.01	96.9%
61345 · Police Gas & Oil	1,104.02	7,729.50	15,000.00	-7,270.50	51.53%

TOWN OF FENWICK ISLAND

Profit & Loss Budget vs. Actual

August 2009 through April 2010

TOTAL

	Apr 10	Aug '09 - Apr 10	Budget	\$ Over Budget	% of Budget
61350 · Police Radio & Comm Equip	67.50	67.50			
61370 · Police Vehicle Acquisition	0.00	15,822.00			
61380 · Police Training	1,090.50	1,735.25	3,000.00	-1,264.75	57.84%
61390 · Police Miscellaneous Expenses	135.69	363.74			
61410 · Police Capital Expenditures	0.00	9,167.90			
61100 · POLICE DEPARTMENT - Other	0.00	0.00			
Total 61100 · POLICE DEPARTMENT	30,910.53	308,074.30	431,682.00	-123,607.70	71.37%
61500 · LIFEGUARDS					
61510 · Lifeguard Salaries					
61515 · Lifeguard Salaries - State	0.00	21,272.56	59,290.00	-38,017.44	35.88%
61510 · Lifeguard Salaries - Other	1,582.40	51,989.26	100,960.00	-48,970.74	51.5%
Total 61510 · Lifeguard Salaries	1,582.40	73,261.82	160,250.00	-86,988.18	45.72%
61530 · Lifeguard Payroll Taxes					
61535 · Lifeguard Payroll Taxes - State	0.00	1,868.78	4,140.00	-2,271.22	45.14%
61530 · Lifeguard Payroll Taxes - Other	0.00	4,103.54	6,860.00	-2,756.46	59.82%
Total 61530 · Lifeguard Payroll Taxes	0.00	5,972.32	11,000.00	-5,027.68	54.29%
61540 · Lifeguard Workmans Comp	763.42	4,001.84	8,500.00	-4,498.16	47.08%
61610 · Lifeguard Supplies & Equipment					
61735 · Lifeguard Supp & Equip - State	0.00	0.00			
61610 · Lifeguard Supplies & Equipment - Other	1,788.02	1,788.02	3,000.00	-1,211.98	59.6%
Total 61610 · Lifeguard Supplies & Equipment	1,788.02	1,788.02	3,000.00	-1,211.98	59.6%
61620 · Lifeguard Uniforms					
61740 · Lifeguard Uniform - State	0.00	0.00			
61620 · Lifeguard Uniforms - Other	3,765.05	3,825.05	4,000.00	-174.95	95.63%
Total 61620 · Lifeguard Uniforms	3,765.05	3,825.05	4,000.00	-174.95	95.63%
61630 · Lifeguard Junior Guards	0.00	0.00	400.00	-400.00	0.0%
61640 · Lifeguard Chair & Sign Maintenance					
61750 · Lifeguard Chair & Sign - State	0.00	0.00			
61640 · Lifeguard Chair & Sign Maintenance - Other	190.75	474.11	500.00	-25.89	94.82%
Total 61640 · Lifeguard Chair & Sign Maintenance	190.75	474.11	500.00	-25.89	94.82%
61665 · Lifeguard Training	0.00	0.00	500.00	-500.00	0.0%
61670 · Lifeguard USLA Certification	0.00	0.00	900.00	-900.00	0.0%
61675 · Lifeguard Gasoline	0.00	93.64	200.00	-106.36	46.82%
61710 · Lifeguard Misc Expenses	0.00	333.50	500.00	-166.50	66.7%
Total 61500 · LIFEGUARDS	8,089.64	89,750.30	189,750.00	-99,999.70	47.3%

TOWN OF FENWICK ISLAND Profit & Loss Budget vs. Actual

August 2009 through April 2010

TOTAL

	Apr 10	Aug '09 - Apr 10	Budget	\$ Over Budget	% of Budget
61800 · PUBLIC WORKS DEPARTMENT					
61830 · Public Works Life Insurance	96.75	718.02	800.00	-81.98	89.75%
61840 · Public Works Health Insurance	2,771.45	23,930.96	32,822.00	-8,891.04	72.91%
61850 · Public Works Payroll Taxes	0.00	6,186.10	15,750.00	-9,563.90	39.28%
61870 · Public Works Pension Expense	1,034.16	11,179.94	13,900.00	-2,720.06	80.43%
61880 · Public Works Workmans Compensation	665.72	3,489.44	12,185.00	-8,695.56	28.64%
61905 · Public Works Training	0.00	80.00	1,500.00	-1,420.00	5.33%
61910 · Public Works Office Supplies	48.92	48.92	250.00	-201.08	19.57%
61920 · Public Works Shop Supplies	19.91	655.94	1,500.00	-844.06	43.73%
61930 · Public Works Shop Equipment	0.00	624.92	2,500.00	-1,875.08	25.0%
61940 · Public Works Safety Equipment	0.00	260.83	500.00	-239.17	52.17%
62010 · Public Works Printing & Advertising	0.00	0.00	200.00	-200.00	0.0%
62015 · Public Works Utilities	264.37	3,908.91	5,000.00	-1,091.09	78.18%
62020 · Public Works Bldg Maintenance	19.56	110.25	600.00	-489.75	18.38%
62025 · Public Works Uniforms	0.00	183.97	500.00	-316.03	36.79%
62030 · Public Works Gas & Oil	226.98	2,264.24	4,000.00	-1,735.76	56.61%
62035 · Public Works Repairs & Maintenance	0.00	420.61	2,000.00	-1,579.39	21.03%
62050 · Public Works Landfill Charge	300.00	300.00			
62060 · Public Works Miscellaneous Expense	329.99	329.99			
62075 · Public Works CDL Testing	135.00	504.00	500.00	4.00	100.8%
62100 · Public Works Contract Service	0.00	140.90			
62120 · Public Works Capital Expenditure	0.00	124.53			
Total 61800 · PUBLIC WORKS DEPARTMENT	5,912.81	55,462.47	94,507.00	-39,044.53	58.69%
61805 · PW Personnel Costs					
61810 · Public Works Salaries	11,275.20	110,364.20	150,000.00	-39,635.80	73.58%
Total 61805 · PW Personnel Costs	11,275.20	110,364.20	150,000.00	-39,635.80	73.58%
62200 · ADMINISTRATION					
62210 · Admin Salaries	11,807.51	113,909.77	157,500.00	-43,590.23	72.32%
62220 · Admin Life Insurance	76.50	642.36	600.00	42.36	107.06%
62230 · Admin Health Insurance	3,167.94	30,933.20	45,344.00	-14,410.80	68.22%
62240 · Admin Payroll Taxes	0.00	6,604.64	15,900.00	-9,295.36	41.54%
62250 · Admin Pension Expense	846.22	6,331.72	8,500.00	-2,168.28	74.49%
62255 · Admin Workers Comp	87.18	457.36	12,700.00	-12,242.64	3.6%
62260 · Admin Financial Services	-2.46	4,083.51	2,500.00	1,583.51	163.34%
62310 · Admin Office Equip Maintenance	547.96	5,809.10	6,000.00	-190.90	96.82%
62320 · Admin Office Supplies	156.45	2,565.53	5,000.00	-2,434.47	51.31%
62330 · Admin Travel Reimbursement	0.00	121.25	1,500.00	-1,378.75	8.08%
62332 · Admin Vehicle Acquisition	358.92	3,227.58	3,225.00	2.58	100.08%

TOWN OF FENWICK ISLAND
Profit & Loss Budget vs. Actual
August 2009 through April 2010

	TOTAL				
	Apr 10	Aug '09 - Apr 10	Budget	\$ Over Budget	% of Budget
62334 · Admin Vehicle Fuel/Maint	56.33	521.20	2,000.00	-1,478.80	26.06%
62340 · Admin Printing & Advertising	0.00	56.00	100.00	-44.00	56.0%
62350 · Admin Training	0.00	1,584.80	3,500.00	-1,915.20	45.28%
62360 · Admin Miscellaneous Expens	0.00	154.58			
62370 · Admin Parking Permits	381.25	1,429.50	2,500.00	-1,070.50	57.18%
62410 · Admin Capital Expenditures	0.00	785.00			
Total 62200 · ADMINISTRATION	17,483.80	179,217.10	266,869.00	-87,651.90	67.16%
63200 · GENERAL GOVERNMENT					
63205 · Gen Gov Insurance	350.00	56,184.00	60,000.00	-3,816.00	93.64%
63210 · Gen Gov Telephone	95.34	6,213.82	7,500.00	-1,286.18	82.85%
63220 · Gen Gov Website	0.00	107.40	2,500.00	-2,392.60	4.3%
63225 · Gen Gov Legal	0.00	3,126.39	18,000.00	-14,873.61	17.37%
63230 · Gen Gov Audit	0.00	8,600.00	8,500.00	100.00	101.18%
63235 · Gen Gov Postage	250.00	2,147.15	3,000.00	-852.85	71.57%
63240 · Gen Gov Printing & Advertisir	99.45	963.85	1,500.00	-536.15	64.26%
63245 · Gen Gov Utilities	520.06	9,082.34	14,000.00	-4,917.66	64.87%
63250 · Gen Gov Appraisal	0.00	0.00	5,500.00	-5,500.00	0.0%
63255 · Gen Gov Emergency Mgmt	0.00	70.00	500.00	-430.00	14.0%
63260 · Gen Gov Sewer	0.00	338.00	500.00	-162.00	67.6%
63265 · Gen Gov Dues	15.00	90.00	500.00	-410.00	18.0%
63270 · Gen Gov Service Grants	0.00	0.00	3,000.00	-3,000.00	0.0%
63271 · Gen Gov Recycling	0.00	17,574.25			
63272 · Gen Gov Building Maintenanc	67.88	1,863.32	6,000.00	-4,136.68	31.06%
63273 · Gen Gov Cell Phones	394.38	3,385.23	5,000.00	-1,614.77	67.71%
63274 · Gen Gov Contract Services	210.00	2,894.17	3,800.00	-905.83	76.16%
63275 · Gen Gov County Fee Tax Billi	0.00	0.00	800.00	-800.00	0.0%
63280 · Gen Gov Misc & Contingencie	81.50	710.38	5,000.00	-4,289.62	14.21%
63281 · Gen Gov Employee Relations	177.78	2,342.00	3,000.00	-658.00	78.07%
63285 · Gen Gov Codification	0.00	1,195.00	5,000.00	-3,805.00	23.9%
63290 · Gen Gov Pension Administrat	0.00	3,528.03	1,500.00	2,028.03	235.2%
63300 · Gen Gov Government Liaison	181.00	1,346.79	2,000.00	-653.21	67.34%
63305 · Gen Gov Median Maintenance	0.00	178.80			
63310 · Gen Gov Community Projects	0.00	438.47	1,000.00	-561.53	43.85%
63320 · Gen Gov Community Outreac	0.00	366.39	1,000.00	-633.61	36.64%
63325 · Gen Govt Ambulance Service	6,075.00	18,225.00	27,120.00	-8,895.00	67.2%
63330 · Gen Govt Trash Collection	10,044.75	92,152.83	167,552.00	-75,399.17	55.0%
63340 · Gen Gov Beach Clean-up	0.00	11.16			
63410 · Gen Gov Capital Expenditures	10,250.00	24,706.24			
Total 63200 · GENERAL GOVERNMENT	28,812.14	257,841.01	353,772.00	-95,930.99	72.88%

TOWN OF FENWICK ISLAND Profit & Loss Budget vs. Actual

August 2009 through April 2010

TOTAL

	Apr 10	Aug '09 - Apr 10	Budget	\$ Over Budget	% of Budget
63350 · Municipal Streets Expense	1,208.82	3,440.03			
63360 · Municipal Streets Lighting Exp	1,056.08	3,178.99			
66000 · Payroll Expenses	3,749.94	13,548.87			
66900 · Reconciliation Discrepancies	0.00	2,044.29			
Total Expense	108,498.96	1,022,921.56	1,486,580.00	-463,658.44	68.81%
	-72,971.71	369,865.08	0.00	369,865.08	100.0%
	-72,971.71	369,865.08	0.00	369,865.08	100.0%

TOWN OF FENWICK ISLAND
MONTHLY RECONCILIATION OF ACCOUNTS
APRIL 30, 2010

Company	Account	Beginning Balance	Ending Balance
Town of Fenwick Island		864,653.39	739,215.73
	General Fund Checking	74,305.09	37,730.00
	General Fund Savings	406,673.93	368,794.62
	General Fund Savings DELGIP	330,917.09	30,936.96
	WSFS Bank	0.00	300,000.00
	Payroll Fund	1,418.55	1,554.15
	Petty Cash	200.00	200.00
Municipal Street Aid		1,189.96	0.07
	Checking	20.70	0
	Savings	0.07	0.07
Law Enforcement Grants		2,658.16	159.66
	SALLE (State Aid to Local)	3.28	3.28
	EDIE (Drug Enforcement)	0.10	0.1
	SLEAF	30.00	30.00
	Criminal Justice Block Grant	126.27	126.28
Reserve Accounts			
Parks & Recreation		2,397.17	2,650.79
Beach Replenishment		35,368.01	35,368.01
Compensated Absence		18,549.71	18,549.71
Realty Transfer Funds		1,752,677.27	1,762,270.71
	Wilmington Trust Reserve	315,432.43	1.39
	Bank of Delmarva Reserve	0.00	315,455.48
	Wilmington Trust Non-Reserve	0.37	0.00
	Bank of Ocean City Non-Reserve	700,033.56	700,621.08
	PNC Realty transfer	43,886.37	36,597.36
	PNC 13 month CD	178,021.97	178,291.40
	Sussex County FCU CD	349,321.20	349,321.20
	Edward Jones	11,062.96	181,982.80
	Flushing Savings CD	84,710.15	0.00
	Discover Bank CD	83,714.40	0

TOWN OF FENWICK ISLAND
REALTY TRANSFER TAX FUND
FISCAL YEAR ENDING JULY 31, 2010

Month	Starting Balance	Taxes Collected	Interest	Transfers In	Transfers Out	Ending Balance
August '09	\$1,670,724	0	985.44		652.69	\$1,671,056.60
Sept. '09	\$1,671,056.60	0	993.53		631.64	\$1,671,418.49
Oct. '09	\$1,671,418.49	7800	2529.72		652.69	\$1,681,095.52
Nov. '09	\$1,681,095.52	0	1042.73		631.64	\$1,681,506.61

**TOWN OF FENWICK ISLAND
BUILDING REPORT
APRIL 2010**

PERMIT #	PROPERTY DESCRIPTION	PROJECT DESCRIPTION	E.C.C.	TOTAL
3867	R. Lewis 3 E. Georgetown St. Lot 10 1-34 23.12 212.01	Replace 2 windows & remodel kitchen	\$17,500.00	\$525.00
3868	Winterling Marine G. Hammer 18 W. Essex St. Lot 233 1-34 23.12 48.00	Repair & replace 50' bulkhead	\$2,500.00	\$75.00
3869	Double Diamond Bldrs. J. Lewis 10 E. Bayard St. Lot 12 1-34 23.16 275.00	Replace second floor 8'x10' deck	\$3,500.00	\$105.00
3870	Isaac's Asphalt Paving J. Balsamo 1007 Coastal Hwy 1-34 23.12 247.00	Repave Dairy Queen parking lot	\$7,000.00	\$210.00
3871	W. McCabe F. Deleo 46 W. West Virginia Ave Lot 165 1-34 23.20 27.01	Replace 6 windows; encl. 8'6"x14' existing rear deck; new deckboards handrails on front & rear decks. Replace siding.	\$35,000.00	\$1,050.00
3872	Lloyd Saunders Roofing P. Lieb 1801 Coastal Hwy Lot Unk. 1-34 23.08 26.00	Re-shingle roof	\$5,145.00	\$154.35
3873	K. Mayhew 30 W. Bayard St. Lot 53 1-34 23.16 91.00	Replace & enlarge existing rear deck; replace siding, windows & doors on existing deck; replace siding	\$30,000.00	\$900.00
	TOTAL		\$100,645.00	\$3,019.35

PUBLIC WORKS DEPARTMENT REPORT
April 14, 2010 to May 12, 2010

The following activities have been performed by the Public Works Department for this time period.

- Drainage, shoulder, sign, and post work was performed throughout this time frame.
- Routine maintenance of buildings, equipment, park, grounds, right of way, and median was performed during this time frame.
- Crusher run stone in right of way as needed.
- Cut and trimming of grass in town right of ways and park
- Obtain and install brown mulch in park
- Work on life guard signs and install on stands
- Put out trash barrels and recycle cans on beach ends for summer.
- Clean rock ends at street ends.
- Clean and check rock basins.
- #10 stone on beach ends.
- Order three bricks for park.
- Bring back life guard ATV from service in Salisbury.
- Redo rock basin near 16 W. Bayard Street.
- Hand tool safety and general truck safety.
- Put shuffleboard courts down and put up shuffleboard posts.
- Assist Custom Mechanical with 6 month seasonal check of A/C.
- Pull heads off of john quill flowers in median.
- Begin spraying of shoulders of roads for weeds
- Sweeping town roads.

- Plant flowers around park and town hall area.

Respectfully submitted,
Wilmer E. Abbott IV
Town Manager

FENWICK ISLAND POLICE DEPARTMENT

MEMORANDUM

TO: PRESIDENT
COUNCIL MEMBERS
CITIZENS

FROM: Chief William Boyden

DATE: May 14, 2010

SUBJECT: MONTHLY REPORT

Here is the April monthly report for your review and approval:

	2010	2009
Traffic Arrests/Citations	131	117
Total Number of Complaints	37	28
DUI Arrests	1	2
Criminal Arrests	1	6
Parking Tickets	7	5
Time Assisting DE State Police	9.5	N/A
Time assisting other agencies	3.0	N/A

TO: Fenwick Island Town Council
FROM: Winnie Lewis, Chair , Planning Commission

- The Parks and Recreation Advisory Group, under the leadership of Lois Twilley, met on May 10. Members of the group were asked to bring back ideas to the next meeting for park/open space preservation and recreational opportunities. Items discussed at this meeting included but were not limited to: Identification of areas/properties within the Town which lend themselves to preservation as park/open space(s); Signage to make residents and visitors aware of current and future recreational facilities; Using public comment(s) or creating opportunities for public comment regarding recreational opportunities; Encouraging physical activity within the Town of Fenwick; Accommodating physical activity within the Town of Fenwick.
- The Cultural & Historic Preservation Sub-committee met on May 11. Discussion regarding a "summer" activity was halted after one hour. Next meeting May 21, 2010 @1:30 PM. This meeting will be held at the home of Kim Grimes, 31 W Atlantic Street, Fenwick Island DE. The next meeting at Town Hall will be June 8, 2010 at 1:30PM.
- The Planning Commission met on May 11. Members discussed recent committee/council activities as they relate to Comprehensive Plan implementation. The next meeting of the Planning Commission is June 8, 2010 @2:30 PM.

Respectfully Submitted,

Winnie Lewis
WL/adip

PROPOSED: (Delete EXISTING Chapter 127)

Chapter 127, SANITATION

ARTICLE I

Fees for Collection of Solid Waste

§ 127-1. Definitions.

DWELLING, SINGLE-FAMILY -- A building constructed for occupancy as a single-family residence.

PERSON -- Includes firms, companies, corporations, partnerships, associations or any organization entity as well as individuals.

SUITABLE PROTECTION – a means or device to enclose trash containers which will also prevent the containers, lids and their contents from being blown about by the wind. Suitable protection shall be constructed to permit easy access to the enclosed trash containers for trash removal by the collector and shall be no higher than 30 inches above the surrounding ground level where top access only is provided. If higher than 30 inches, an appropriate side or back shall be open or readily opened to permit access to each container and such container shall be readily accessible from the street.

TOWN COUNCIL DESIGNEE – member of the Fenwick Island Police Department or Town of Fenwick Island employee.

TRASH -- Includes garbage, rubbish, yard waste, construction debris, recyclables and/or any other foreign waste.

§ 127-2. Annual service fee.

Property owners of single-family dwellings in the Residential Zone and property owners of single-family dwellings in the Commercial Zone in the Town of Fenwick Island, Delaware, shall be assessed an annual service fee for the collection of garbage, **recyclables, yard waste** and trash by the Town of Fenwick Island. Property owners of properties in the Commercial Zone used for purposes other than single-family dwellings shall engage the services of private garbage, **recyclables, yard waste** and trash removal companies for the removal of garbage, **recyclables, yard waste** and trash in accordance with the rules and regulations set forth in Article II, Handling and Disposition of Solid Waste, below.

§ 127-3. Determination of fee.

The annual service fee for single-family dwellings shall be determined by Town Council as a budget item annually.

§ 127-4. Rendering and payment of fee.

For property owners of single-family dwellings, the notice, rendering and payment of the annual service fees for the collection of garbage, **recyclables, yard waste** and trash shall be in the same manner as is prescribed for the notice, rendering the payment of the Town property tax, pursuant to Section 24 of the Town Charter. The

proration of the annual fee, if any, shall be determined in accordance with the procedures for the proration of taxes on new buildings as set forth in Chapter 146, Taxation, Article I, Reassessment.

§ 127-5. Delinquent fees.

For property owners of single-family dwellings, the procedure for the collection of any delinquent annual service fee for the collection of garbage, recyclables, yard waste and trash shall be the same as prescribed for the collection of a delinquent property tax, pursuant to the provisions of the Town Charter.

ARTICLE II
Handling and Disposition of Solid Waste

§ 127-6. Garbage on public or private property prohibited.

It shall be unlawful for any person to place trash, yard waste, construction debris or any other foreign waste on any public or private property within the Town of Fenwick Island except as provided in §61-15A and §127-7 hereof.

§ 127-7. Regulations for handling and disposition of trash.

A. Concerning the handling and disposition of trash in the Residential Zone, the following rules and regulations shall apply:

1. The owner or occupier of any given property shall place all trash into containers and place the containers along the curb in front of such property in order that it may be conveniently removed by the collector thereof.
2. All bramble, sticks, tree trimmings and the like shall be securely tied together in bundles, each of which shall not exceed 50 pounds in weight or four feet in length.
3. All trash shall be placed in covered plastic or metal containers, not to exceed 32 gallons in size or 50 pounds in weight when filled, and shall be watertight to prevent leakage and covered to exclude water.
4. Unless suitable protection is provided by a container bin, all containers shall be placed along the front property line no earlier than 12:00 noon the day prior to collection and removed no later than 8:00p.m. on the day trash has been collected.
5. No person shall dispose of any garbage, recyclables, yard waste, trash or litter of any kind by throwing or placing it upon any property within the confines of the Town or within a distance of one mile of the Town limits.
6. No person shall put or place any garbage, recyclables, yard waste and trash collected or gathered from one property upon or in front of any other property or within the Town without the express consent and permission of the owner of such other property to do so.
7. All public waste containers placed by the Town of Fenwick Island shall be used by the general public for the disposal of trash accumulated while using the public areas of the Town. These containers shall not be used for disposal of residential and/or commercial trash.

B. Concerning the handling and disposition of trash in the Commercial Zone, the following rules and regulations shall apply:

1. Any business which continuously uses more than five containers of trash, rubbish or garbage shall be required to place its garbage, recyclables, yard waste and trash in a one- or two-ton dumpster provided by the owner. All dumpsters shall have tight-fitting lids and be kept closed except when filling and emptying and shall be watertight to prevent leakage. All dumpsters shall be situated on a paved area at least of equal size as the dumpster and shall not be less than 10 feet from any neighboring or adjacent property line.

2. All businesses should have trash removed as often as necessary to comply with Subsection B3(a) and B3(b) of this section.

3. Maintenance.

(a) The owner and/or tenant of any property shall maintain trash containers of all kinds in a clean, odorless and sanitary condition and in good repair and in a condition that shall not in any way be offensive or injurious to the health of the residents of the Town of Fenwick Island. The owner and/or tenant of any property shall maintain the area where trash containers and dumpsters are placed in a clean, odorless and sanitary condition and in a condition that shall not in any way be offensive by odor or injurious to the health of the residents of the Town of Fenwick Island or in an unsightly condition or in a condition which is detrimental to the adjacent properties and the general neighborhood.

(b) A Town Council designee shall have discretion in determining when there exists an unsanitary condition of either the containers or the area where the containers are placed or which in any way is injurious to the health of the residents of the Town of Fenwick Island or is in an unsightly condition or a condition which is detrimental to the adjacent properties and the general neighborhood.

(c) After making such a determination, a Town Council designee shall give written notice of the violation to the owner and/or tenant of the property on which the condition exists. The notice shall set a time limit for correction, removal or abatement of the condition, which period shall not exceed five days. Said notice may be served by the Police Department or a Town employee, or it may be served by registered or certified mail.

(d) The owner and/or tenant of the property shall be guilty of failing to correct, remove or abate an unsanitary condition or a condition injurious to health or a condition which is unsightly or a condition which is detrimental to the adjacent properties or general neighborhood if the condition continues to exist on the date set for removal or abatement in the notice given him or exists on any date thereafter.

§ 127-8. Violations and penalties

Any person violating any provision of this Article shall, upon conviction thereof, be subject to a fine of \$200. It shall be determined that each day that an unsanitary or injurious to health condition or a condition which is unsightly or detrimental to the adjacent properties or general neighborhood exists after the date set for correction of the condition shall constitute a separate offense.

ARTICLE III
General Provisions

§ 127-9. Unsanitary conditions prohibited.

A. It shall be unlawful to pump, drain, pour or throw in or on the streets, alleys, ditches, underdrains, water, lagoons, bay or private property within the Town of Fenwick Island, Delaware, sewage, slops, filth, unclean water or anything that is unsanitary or injurious to the health of the residents of said Town. All water removed from a pool, hot tub or spa shall be deposited in a sanitary sewer system.

B. It shall be unlawful to fail to correct or eliminate a condition after proper notice as provided in this Article is given, which condition is unsanitary or injurious to the health of the residents of the Town of Fenwick Island.

§ 127-10. Determination of unsanitary condition; notice.

A. The **Town Council designee** shall have discretion in determining where there exists a condition that may be unsanitary, or in any way injurious to the health of the residents of the Town of Fenwick Island

B. After making such a determination, the **Town Council designee** shall give written notice of the violation to the owner, occupier of the structure home, building, vehicle or other object or another person appearing to be causing such condition. The notice shall set a time limit for the correction, removal or abatement of the condition, which period shall not exceed 15 days.

C. Said notice may be served by Police Department or a Town employee, or it may be served by mailing by registered or certified mail.

§ 127-11. Violations and penalties.

A. A person shall be guilty of failing to correct, remove or abate an unsanitary or injurious to health condition if the condition continues to exist on the date set for removal in the notice given him or exists on any date thereafter. The notice given under this Article shall expire one year from the date set for correction, removal or abatement.

B. **Upon conviction for failure to correct, remove or abate an unsanitary or injurious to health condition, the guilty party shall be fined \$200 for each offense. It shall be determined that each day that the condition exists after the date set for correction, removal or abatement shall constitute a separate offense, thereby permitting the imposition of a fine for each day of the continuing offense.**

Chapter 131, SEWERS

EXISTING:

§ 131-1. Permission to construct and maintain sewage system.

Sussex County is hereby granted permission to construct, maintain, operate, repair and replace **water distribution and** sanitary sewage collection lines, force mains, lift station, pump stations, manholes and other appurtenances within the rights-of-way of all roads within the town limits which are dedicated to public use in accordance with the requirements of Title 9, Chapter 67, Paragraph 6703 of the Delaware Code, provided that all roads of Fenwick Island that are damaged or removed in the course of water and sewer facility installation and repair shall be replaced in accordance with the Delaware Division of Highways standards for secondary roads and paving damaged or removed from roads maintained by the Delaware Division of Highways shall be replaced in accordance with the Delaware Division of Highways' requirements. The cost thereof shall be made by and at the sole expense of Sussex County.

§ 131-3. Determination and notice of violation.

A. The Town Commissioner of Health and Sanitation, a designee he appoints or a designee of the Town Council shall have discretion in determining when there exists a condition such as set forth in § 131-2 above which is or threatens in any way to be dangerous to the safety or health of the people of Fenwick Island.

B. After making such a determination the Town Commissioner of Health and Sanitation, a designee he appoints or designee of the Town Council shall give written notice of the violation to the owner and/or occupant of the property on which the condition exists. The notice shall set a time limit for correction, removal or abatement of the condition, which period shall not exceed fifteen (15) days. Said notice may be served by the Commissioner of Health and Sanitation, any member of the Town Council, Police Department or town employee, or it may be served by mailing by registered or certified mail with return receipt.

§ 131-4. Violations and penalties.

B. Any person found guilty of failing to correct, remove or abate a dangerous to safety or health condition shall be fined not less than twenty-five dollars (\$25.) nor more than fifty dollars (\$50.) for each offense; and it shall be determined that each day that the condition exists after the date set for correction, removal or abatement shall constitute a separate offense, thereby permitting the imposition of a fine for each day of a continuing offense.

C. If a condition such as set forth in § 131-2 is determined by the Town Commissioner of Health and Sanitation, a designee he appoints or a designee of the Town Council to be an emergency and the owner and or occupant is not available for receipt of notification such as set forth in § 131-3 or if the owner fails to comply with the notification as set forth in § 131-3 within the prescribed time, the town shall have full power and authority to enter into or upon the property in question with such personnel, implements, equipment and vehicles as may be necessary and proper to correct, remove or abate such a condition dangerous to safety or health. Any expense incurred by the town in performing such work, labor and proceedings shall constitute a lien on the property with interest at the lawful rate and shall be collected in the same manner as provided for the collection of delinquent taxes. The payment for such expense shall be in addition to any penalties that may be imposed by Subsection B of this section.

PROPOSED:

§ 131-1. Permission to construct and maintain sewage system.

Remove **"water distribution and"**.

§ 131-3. Determination and notice of violation.

(Replace subsections "A" and "B" as follows:)

A. ***The Town Council shall appoint a designee who shall have discretion in determining when there exists a condition such as set forth in § 131-2.***

B. ***After such determination has been given, the Town Manager shall give written notice of the violation to the owner and/or occupant of the property on which the condition exists. The notice shall set a time for correction, removal or abatement of the condition, which period shall not exceed fifteen (15) days.***

§ 131-4. Violations and penalties.

B. ***Upon conviction, such*** person found guilty of failing to correct, remove or abate a dangerous to safety or health condition shall be fined ***\$200*** for each offense. It shall be determined that each day that the condition exists after the date set for correction, removal or abatement shall constitute a separate offense, thereby permitting the imposition of a fine for each day of a continuing offense.

(Replace subsection "C" as follows:)

C. ***If such condition as set forth in § 131-2 is determined by the Town of Fenwick Island to be an emergency and the owner and/or occupant is not available for receipt of notification such as set forth in § 131-3 or if the owner fails to comply with the notification as set forth in § 131-3 within the prescribed time, the Town of Fenwick Island shall have the power to enter the property and correct the problem. The payment for such expense shall be in addition to any penalties that may be imposed by Subsection B of this section.***

Beach Clean-up



May[★] 22

9:00 am

Dagsboro Street